

## Title 2 ADMINISTRATION AND PERSONNEL

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## Chapter 2.01 THE LONG BEACH CAMPAIGN REFORM ACT

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## Division I. Title, Findings and Purpose

### 2.01.110 Title.

This Chapter 2.01 may be cited as the Long Beach Campaign Reform Act.

(Ord. C-7283 § 1, 1994; Prop. M, 6-7-94, eff. 6-24-94).

### 2.01.120 Findings and declarations.

In enacting this Chapter 2.01, the following findings and declarations are adopted:

A. Monetary contributions to political campaigns are a legitimate form of participation in the political process, but the financial strength of certain individuals or organizations should not permit the exercise of a disproportionate or controlling influence on the election of candidates.

B. The rapidly increasing costs of political campaigns have forced many candidates to raise larger and larger amounts of money from individuals and interest groups with a specific financial stake in matters before the City Council. This has caused a public perception that votes are being improperly influenced by monetary contributions. This perception is undermining the credibility and integrity of the governmental process.

C. Candidates are raising less money in small contributions and more money in large individual and organizational contributions. This has created the public impression that the small contributor has an insignificant role to play in political campaigns.

D. High campaign costs are forcing officeholders to spend more time on fund-raising and less time on the public's business. The constant pressure to raise contributions is distracting officeholders from urgent governmental matters.

E. Officeholders are responding to high campaign costs by raising large amounts of money in off-election years. This fund-raising distracts them from important public matters, encourages contributions which may have a corrupting influence and gives incumbents an overwhelming and patently unfair fund-raising advantage over potential challengers.

F. The integrity of the governmental process, the competitiveness of campaigns and public confidence in local officials are all diminishing.

(Ord. C-7283 § 1, 1994; Prop. M, 6-7-94, eff. 6-24-94).

### **2.01.130 Purpose.**

It is the purpose of this Chapter 2.01:

- A. To insure that individuals and interest groups in Long Beach have a fair and equal opportunity to participate in Municipal elective and governmental processes.
- B. To reduce the influence of large contributors with a specific financial stake in matters before the City Council, thus countering the perception that decisions are influenced more by the size of contributions than the best interests of the people of the City.
- C. To assist serious candidates in raising enough money to communicate their views and positions adequately to the public without excessive expenditures or contributions, thereby promoting public discussion of the important issues involved in political campaigns.
- D. To limit overall expenditures in campaigns, thereby reducing the pressure on candidates to raise large campaign war chests for defensive purposes, beyond the amount necessary to communicate reasonably with voters.
- E. To provide a neutral source of campaign financing in the form of limited public matching funds.
- F. To increase the value to candidates of smaller contributions.
- G. To eliminate fund-raising except during an Election Cycle.
- H. To reduce the excessive fund-raising advantage of incumbents and thus encourage competition for elective office.
- I. To allow candidates and officeholders to spend a lesser proportion of their time on fund raising and a greater proportion of their time dealing with issues of importance to their constituents.
- J. To improve the disclosure of contribution sources in reasonable and effective ways.
- K. To help restore public trust in local governmental and electoral institutions.

(Ord. C-7283 § 1, 1994; Prop. M, 6-7-94, eff. 6-24-1994).

## **Division II. Definitions**

### **2.01.210 Definitions.**

For purpose of this chapter 2.01, the following words and phrases shall have the meanings set forth as follows unless the contrary is stated or clearly appears from the content:

- A. "Qualified Campaign Expenditure" means any of the following:
  - 1. Any expenditure made by a candidate for city office, or by a committee controlled by such a candidate, for the purpose of influencing or attempting to influence the actions of the voters for or against the election of any city candidate.
  - 2. A nonmonetary contribution provided at the request of or with the approval of the candidate,

officeholder or committee controlled by the candidate or officeholder.

3. That portion of the total cost of a slate mailing or mailing of other campaign literature produced or authorized by more than one (1) candidate which is the greater of the cost actually paid or incurred by the committee or controlled committee of the candidate or the proportionate share of the total cost attributable to each such candidate. The number of candidates sharing costs and the emphasis on or space devoted to each such candidate shall be considered in determining the cost attributable to each such candidate.

4. "Qualified Campaign Expenditure" does not include any payment if it is clear from the surrounding circumstances that it was not made in any part for political purposes.

B. "Election Cycle" means that period commencing with January 1 of an odd-numbered year and ending with September 1 of the following year for primary and general elections, and that period commencing with the declaration of a vacancy in an elective office and ending ninety (90) days after the special election date for special elections.

C. "Campaign Reform Account" means the account of the general fund created by section 2.01.910.

D. "Person" means any individual, organization or political action committee whose contributions or expenditure activities are financed, maintained or controlled by any corporation, labor organization, association, political party or any other person or committee, including any parent, subsidiary, branch, division, department or local unit of the corporation, labor organization, association, political party or any other person, or by any group of such persons.

Two (2) or more entities shall be deemed one (1) person when any of the following circumstances apply:

The entities share the majority of members of their boards of directors; or

The entities share two (2) or more officers; or

The entities are owned or controlled by the same majority shareholder or shareholders; or

The entities are in a parent-subsidiary relationship.

An individual and any general partnership in which the individual is a general partner, or an individual and any corporation in which the individual owns a controlling interest, shall be deemed one person.

(Ord. C-7661 § 1, 1999; Ord. C-7283 § 1, 1994; Prop. M, 6-7-94, eff. 6-24-1994).

## **2.01.220 Interpretation.**

Unless a term is specifically defined in this chapter 2.01 or the contrary is stated or clearly appears from the context, the definitions set forth in California Government Code, section 82000 et seq., shall govern the interpretation of this chapter 2.01.

(Ord. C-7283 § 1, 1994; Prop. M, 6-7-94, eff. 6-24-1994).

## **Division III. Contribution Limitations**

### **2.01.310 Limitations on contributions from persons.**

A. For primary and general elections, no person shall make to any candidate for office or the controlled committee of such a candidate, and no such candidate or the candidate's controlled committee shall accept from any such person, a contribution or contributions totaling more than two hundred fifty dollars (\$250.00) for the primary election and two hundred fifty dollars (\$250.00) for the runoff election if the candidate is on the runoff ballot or is a write-in candidate for the office of city council member, three hundred fifty dollars (\$350.00) for the primary election and three hundred fifty dollars (\$350.00) for the runoff election if the candidate is on the runoff ballot or is a write-in candidate for city attorney, city auditor or city prosecutor or five hundred dollars (\$500.00) for the primary election and five hundred dollars (\$500.00) for the runoff election if the candidate is on the runoff

ballot or is a write-in candidate for mayor.

B. For primary and general elections, no person shall make to any committee which supports or opposes any candidate and no such committee shall accept from each such person a contribution or contributions totaling more than two hundred fifty dollars (\$250.00) for the primary election and two hundred fifty dollars (\$250.00) for the runoff election for city council members, three hundred fifty dollars (\$350.00) for the primary election and three hundred fifty dollars (\$350.00) for the runoff election for city attorney, city auditor or city prosecutor, or five hundred dollars (\$500.00) for the primary election and five hundred dollars (\$500.00) for the runoff election for mayor.

C. For special elections, no person shall make to any candidate for office or the controlled committee of such a candidate, and no such candidate or the candidate's controlled committee shall accept from any such person, a contribution or contributions totaling more than one thousand dollars (\$1,000.00); and no political committee (as defined in California Government Code section 82013) shall make to any candidate for office or the controlled committee of such a candidate, and no such candidate or the candidate's controlled committee shall accept from any such political committee, a contribution or contributions totaling more than two thousand five hundred dollars (\$2,500.00).

(Ord. C-7720 § 1, 2001; Ord. C-7661 § 2, 1999; Ord. C-7283 § 1, 1994; Prop. M, 6-7-94, eff. 6-24-1994).

### **2.01.320 Prohibition on nonelection cycle contributions.**

No candidate or officeholder or the controlled committee of such a person shall accept any contribution except during an election cycle in which the candidate or officeholder intends to run for or be a write-in candidate for the office for which the contribution is made.

(Ord. C-7283 § 2, 1994; Prop. M, 6-7-94, eff. 6-24-1994).

### **2.01.330 Return of contributions.**

A contribution shall not be considered to be received if it is not negotiated, deposited, or utilized and is returned to the donor within thirty days of receipt.

(Ord. C-7283 § 1, 1994; Prop. M, 6-7-94, eff. 6-24-1994).

### **2.01.340 Loans.**

A. A loan shall be considered a contribution from the maker and the guarantor of the loan and shall be subject to the contribution limitations of this chapter.

B. Every loan to a candidate or the candidate's controlled committee shall be by written agreement which shall be filed with the candidate's or committee's campaign statement on which the loan is first reported.

C. The proceeds of a loan made to a candidate by a commercial lending institution in the regular course of business and on the same terms available to members of the public and which is secured or guaranteed shall not be subject to the contribution limitations of this chapter.

D. Extensions of credit, other than loans pursuant to subsection 2.01.340.C, for a period of more than thirty days are subject to the contribution limitations of this chapter.

E. Notwithstanding any other provision of this section 2.01.340: (1) a candidate for city council shall not loan or otherwise transfer to his or her campaign, funds, or other thing of value, in excess of ten thousand dollars in a primary election and ten thousand dollars in a runoff election; (2) a candidate for city attorney, city auditor or city prosecutor shall not loan or otherwise transfer to his or her campaign, funds, or other thing of value, in excess of fifteen thousand dollars in a primary election and fifteen thousand dollars in a runoff election; and, (3) a candidate for mayor shall not loan or otherwise transfer to his or her campaign, funds, or other thing of value, in excess of twenty-five thousand dollars in a primary election and twenty-five thousand dollars in a runoff election. Nothing herein shall be construed to restrict a candidate from contributing his or her own funds or assets to his or her campaign.

(Ord. C-7283 § 1, 1994; Prop. M, 6-7-94, eff. 6-24-1994).

### **2.01.350 Family contributions.**

- A. Contributions by a husband and wife shall be treated as separate contributions and shall not be aggregated.
- B. Contributions by children under eighteen years of age shall be treated as contributions by their parents and attributed proportionately to each parent, one-half to each parent or the total amount to a single custodial parent.

(Ord. C-7283 § 1, 1994; Prop. M, 6-7-94, eff. 6-24-1994).

### **2.01.360 Treatment of money received as contributions, income or gifts.**

Any funds received by any elected official or candidate running in the jurisdiction or any committee controlled by such an official or candidate shall be considered either a campaign contribution, income or a gift. All campaign contributions received by such persons shall be subject to the provisions of this act unless such campaign contributions are used exclusively for elections held outside the jurisdiction. All income and gifts shall be subject to the disqualification provisions of the Political Reform Act, Government Code section 87100 et seq.

(Ord. C-7283 § 1, 1994; Prop. M, 6-7-94, eff. 6-24-1994).

### **2.01.370 One campaign committee and one checking account per candidate.**

Except as may be otherwise provided by state law, a candidate shall have no more than one campaign committee and one checking account out of which all expenditures shall be made. This section shall not prohibit the establishment of savings accounts, but no qualified campaign expenditures shall be made out of these accounts.

(Ord. C-7283 § 1, 1994; Prop. M, 6-7-94, eff. 6-24-1994).

### **2.01.380 Contributions for officeholder expenses.**

A. Notwithstanding any other provision of this chapter, each elected city officeholder may establish an officeholder expense fund and may solicit and accept contributions for said officeholder expense fund not to exceed a total amount of ten thousand dollars (\$10,000.00) per calendar year for city council members and twenty-five thousand dollars (\$25,000.00) per calendar year for the city attorney, city auditor, city prosecutor and mayor. No person shall make and no elected city officeholder or officeholder expense fund shall solicit or accept from any person, a contribution or contributions to the officeholder expense fund totaling more than five hundred dollars (\$500.00) during any calendar year. The money in such fund shall be expended and used only for the purpose of officeholder expenses associated with holding office, in accordance with and authorized by the applicable provisions of Sections 89512 through 89519 of the California Government Code, except for Subsection 89513(e) and that part of Subsection 89513(g) relating to loans to candidates, political parties or committees. None of such officeholder expense funds may be used or expended in connection with a future election for an elective city office or for any expenditures that would violate the provisions of Government Code Section 89506 or 89512 through 89519.

B. Each such officeholder expense fund shall be considered a subaccount of the officeholder's controlled committee. All solicitations made and contributions received for an officeholder expense fund shall be clearly designated as being made or received for such uses and purposes.

C. In addition to the disclosure and recordkeeping requirements of the Political Reform Act of 1974, as amended, every elected city officeholder who establishes and maintains an officeholder expense fund pursuant to this section shall be required to file a supplemental report indicating all contributions to and disbursements from the officeholder expense fund with the city clerk at the same time that each campaign statement is required to be filed by the elected officer. The supplemental officeholder expense fund report shall itemize each expenditure of more than fifty dollars (\$50.00) from the officeholder expense fund by stating the date, amount and purpose of

each such expenditure, and the name of each payee or other person upon whose behalf the expenditure was made. The officeholder or his or her treasurer shall retain all receipts, invoices, written agreements and other documents relating to expenditures from such officeholder expense fund. Pursuant to Section 2.01.810 of this chapter the city clerk shall prescribe and furnish the necessary and appropriate forms for filing such supplemental information.

(ORD-07-0037 § 1, 2007: Ord. C-7314 § 1, 1995).

### **2.01.390 Transfer of funds.**

Campaign funds and officeholder funds may not be used as a transfer, loan or contribution to any other candidate for local, state or federal elective office.

(Ord. C-7661 § 8, 1999).

## **Division IV. Expenditure Ceilings and Matching Funds**

### **2.01.410 Expenditure ceilings.**

No candidate for office who files a statement of acceptance of expenditure ceilings nor any controlled committee of such a candidate shall make qualified campaign expenditures above the following amounts and subject to the following restrictions:

- A. 1. Except as otherwise provided herein, a candidate for city council may not spend more than forty thousand dollars (\$40,000.00) in the primary or more than twenty thousand dollars (\$20,000.00) in the runoff election to be eligible for matching funds.
  2. In order to qualify for matching funds, a city council candidate: (a) must raise at least five thousand dollars (\$5,000.00) in contributions of two hundred fifty dollars (\$250.00) or less within the election cycle, of which only up to the first one hundred dollars (\$100.00) of each contribution may be counted for purposes of achieving the qualifying total of five thousand dollars (\$5,000.00), and (b) must be opposed by a candidate who has qualified for matching funds or who has raised ten thousand dollars (\$10,000.00).
  3. The maximum available matching funds shall be an amount not to exceed thirty-three percent (33%) of the maximum amount permitted for expenditure in the primary and fifty percent (50%) of the maximum amount permitted for expenditure in the runoff election.
  4. During each election cycle, the city clerk shall, immediately following the final day for filing nominating petitions for the office of city council member, ascertain: (a) the number of registered voters in each councilmanic district as of the final day for filing, and (b) the mean number of voters in all such districts. Thereafter, and for the ensuing election cycle, in each district where the number of registered voters exceeds the mean, the expenditure limitations of forty thousand dollars (\$40,000.00) and twenty thousand dollars (\$20,000.00) shall be increased two dollars (\$2.00) and one dollar (\$1.00), respectively, for each registered voter in excess of the mean.
- B. A candidate for City Attorney, City Auditor or City Prosecutor may not spend more than one hundred thousand dollars (\$100,000.00) in the primary or more than fifty thousand dollars (\$50,000.00) in the runoff election. In order to qualify for matching funds, such a candidate:
  1. Must raise at least ten thousand dollars (\$10,000.00) in contributions of three hundred fifty dollars (\$350.00) or less within the Election Cycle, of which such contributions, only up to the first one hundred fifty dollars (\$150.00) each, may be counted for purposes of achieving the qualifying total of ten thousand dollars (\$10,000.00) and
  2. Must be opposed by a candidate who has qualified for matching funds or who has raised twenty thousand dollars (\$20,000.00). The maximum available matching funds shall be an amount not to exceed thirty-three percent (33%) of the maximum amount permitted for expenditure in the

primary and fifty percent (50%) of the maximum amount permitted for expenditure in the runoff election.

C. A candidate for Mayor may not spend more than two hundred thousand dollars (\$200,000.00) in the primary or more than one hundred thousand dollars (\$100,000.00) in the runoff election to be eligible for matching funds. In order to qualify for matching funds, such a candidate:

1. Must raise at least twenty thousand dollars (\$20,000.00) in contributions of five hundred dollars (\$500.00) or less within the Election Cycle, of which such contributions, only up to the first two hundred dollars (\$200.00) of each may be counted for the purpose of achieving the qualifying total of twenty thousand dollars (\$20,000.00) and
2. Must be opposed by a candidate who has qualified for matching funds or who has raised forty thousand dollars (\$40,000.00). The maximum available matching funds shall be an amount not to exceed thirty-three percent (33%) of the maximum amount permitted for expenditure in the primary and fifty percent (50%) of the maximum amount permitted for expenditure in the runoff election.

D. It is the intent of Subsections 2.01.410.A, 2.01.410.B and 2.01.410.C of this Section that candidates who qualify for matching funds in primary elections shall receive one dollar (\$1.00) in matching funds for every two dollars (\$2.00) raised through contributions and that candidates who qualify for matching funds in runoff elections shall receive one dollar (\$1.00) in matching funds for every one dollar (\$1.00) raised through contributions.

E. Any candidate who has filed a statement of acceptance of the expenditure ceilings and desires to apply for matching funds may submit such application to the City Clerk on any normal business day between January 1 of an odd-numbered year through December 31 of the following year.

F. Any candidate applying for matching funds must be current in his or her campaign statement filings with the City Clerk.

G. A candidate wishing to apply for matching funds may submit such application with the City Clerk no more frequently than every ten (10) business days.

H. The expenditure limits set forth in this Section shall not apply to candidates for office in any special election, nor shall such candidates be eligible for matching funds.

(Ord. C-7661 § 3, 1999; Ord. C-7283 § 1, 1994; Prop. M, 6-7-94, eff. 6-24-94).

## **2.01.420 Time periods for expenditures.**

For purposes of the expenditure ceilings and contribution limitations, Qualified Campaign Expenditures and Contributions made at any time up to the date of the primary election shall be considered expenditures or contributions for that election, and Qualified Campaign Expenditures and Contributions made after the date of the primary election shall be considered expenditures or contributions for the runoff (final) election. However, in the event that payments are made but the goods or services are not used during the period purchased, the payments shall be considered Qualified Campaign Expenditures for the time period in which they are used. Payments for goods and services used in both periods shall be prorated.

(Ord. C-7283 § 1, 1994; Prop. M, 6-7-94, eff. 6-24-94).

## **Division V. Acceptance of Expenditure Ceilings**

### **2.01.510 Candidate acceptance or rejection of expenditure ceilings.**

A. Each candidate for office, at the time of filing his or her nomination papers, shall file a statement accepting or rejecting the expenditure ceilings in Division IV.

B. If a candidate declines to accept the expenditure ceilings in Section 2.01.410, the candidate shall be nonetheless subject to the contribution limitations in Section 2.01.310.



C. A candidate who agrees to accept the expenditure ceilings in Section 2.01.410 may not change that decision, except that if an opposing candidate files a statement of rejection, then the candidate may rescind his or her acceptance within ten (10) calendar days of the last date for filing nomination papers provided that the candidate has not accepted any contributions in amounts greater than the limitations set forth in Section 2.01.310.

D. If a primary candidate advances to the general Municipal election, such candidate shall file a statement accepting or rejecting the expenditure ceilings with the City Clerk no later than five (5) working days after the primary nominating election results are officially declared by the City Council.

(Ord. C-7661 § 4, 1999; Ord. C-7283 § 1, 1994; Prop. M, 6-7-94, eff. 6-24-94).

## **Division VI. Independent Expenditures**

### **2.01.610 Contribution limitations.**

Any person who makes independent expenditures supporting or opposing a candidate shall not accept any contribution in excess of the amounts set forth in Section 2.01.310.

(Ord. C-7283 § 1, 1994; Prop. M, 6-7-94, eff. 6-24-94).

### **2.01.620 Reproduction of materials.**

Any person who reproduces, broadcasts or distributes any material which is drafted, printed, prepared or previously broadcast by a candidate or a committee controlled by such a candidate shall report such activity and its value as a non-monetary contribution to such candidate or committee.

(Ord. C-7283 § 1, 1994; Prop. M, 6-7-94, eff. 6-24-94).

### **2.01.630 Notice of independent expenditures.**

Any person who makes independent expenditures of more than two hundred fifty dollars (\$250.00) in support of or in opposition to any candidate shall notify the City Clerk and all candidates running for the same seat by telegram, facsimile or any other electronic means approved by the City Clerk each time such an expenditure is made.

(Ord. C-7661 § 5, 1999; Ord. C-7283 § 1, 1994; Prop. M, 6-7-94, eff. 6-24-94).

## **Division VII. Additional Disclosure Requirements**

### **2.01.710 Reserved.**

### **2.01.720 Additional pre-election campaign statement.**

In addition to the campaign statement required to be filed pursuant to the Political Reform Act, commencing with Government Code Section 81000, candidates, their controlled committees and independent committees primarily formed to support or oppose candidates in Long Beach subject to this Act shall file a pre-election statement on the Friday before each election. This statement shall have a closing date of the Wednesday immediately preceding the election date.

(Ord. C-7283 § 1, 1994; Prop. M, 6-7-94, eff. 6-24-94).

**2.01.730 Disclosure of occupation and employer.**

No contribution of one hundred dollars or more shall be deposited into a campaign checking account unless the name, address, occupation and employer of the contributor is on file in the records of the recipient of the contribution.

(Ord. C-7283 § 1, 1994; Prop. M, 6-7-94, eff. 6-24-94).

**Division VIII. Agency Responsibility****2.01.810 Duties of the City Clerk.**

The City Clerk shall also:

- A. Adjust the expenditure ceilings, contribution limitations and public financing provisions in January of even-numbered years to reflect any increase or decrease in the Consumer Price Index as provided in Section 2.01.1210. Such adjustments shall be rounded off to the nearest fifty dollars for contributions and the nearest one thousand dollars for expenditures and matching funds.
- B. Prescribe all necessary forms for filing statements and information.
- C. Prepare and release studies on the impact of this Act. These studies may include recommendations which further the purpose of this Chapter 2.01.

(Ord. C-7283 § 1, 1994; Prop. M, 6-7-94, eff. 6-24-94).

**Division IX. Campaign Account Designation****2.01.910 Campaign Account created.**

There is hereby created a Campaign Account in the General Fund of the City of Long Beach to which the City Council shall, from time to time, appropriate funds for expenditures pursuant to the purposes and provisions of this Chapter 2.01.

(Ord. C-7283 § 1, 1994; Prop. M, 6-7-94, eff. 6-24-94).

**Division X. Disposal of Surplus Funds****2.01.1010 Surplus funds--Defined.**

Any funds remaining to a candidate, or any controlled committee of such candidate, at the end of the Election Cycle, during which such funds have been raised, shall be defined as "Surplus Funds" and shall be disposed of only as provided in this Division X. Funds retained by a candidate and specifically earmarked for payment of campaign expenses lawfully incurred during the Election Cycle need not be included in Surplus Funds provided that, if such payment is not made on or before the December 31 next following the end of the Election Cycle (or, in the case of a special election, one hundred twenty (120) days after the date of the election), such funds so retained shall thereafter be deemed Surplus Funds.

(Ord. C-7661 § 6, 1999; Ord. C-7283 § 1, 1994; Prop. M, 6-7-94, eff. 6-24-94).

**2.01.1020 Retention of five thousand dollars by office holders.**

Any person holding office as a result of a successful campaign resulting in Surplus Funds may retain up to five

thousand dollars of such Surplus Funds for expenditures associated with holding such office in accordance with the provisions of Sections 89512 and 89513 of the California Government Code.

(Ord. C-7283 § 1, 1994; Prop. M, 6-7-94, eff. 6-24-94).

### **2.01.1030 Disposal of surplus funds.**

Except as provided in Section 2.01.1020, Surplus Funds shall be disposed of in the following order and priority:

- A. Surplus Funds shall first be used to reimburse the Campaign Reform Account of the City of Long Beach up to the full amount of matching funds, if any, received by the candidate.
- B. Any funds remaining after such reimbursement, if any, may be expended exclusively as provided in Section 89515 of the California Government Code and must be so expended no later than the December 31 next following the end of the Election Cycle (or, in the case of a special election, one hundred twenty (120) days after the date of the election).
- C. Any funds not expended pursuant to Subsection 2.01.1030.A or 2.01.1030.B by December 31 next following the end of the Election Cycle (or, in the case of a special election, one hundred twenty (120) days after the date of the election) shall be paid immediately into the Campaign Reform Account of the City of Long Beach.

(Ord. C-7661 § 7, 1999; Ord. C-7283 § 1, 1994; Prop. M, 6-7-94, eff. 6-24-94).

## **Division XI. Enforcement**

### **2.01.1110 Criminal actions.**

- A. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Act shall be guilty of a misdemeanor. Any person convicted of such a misdemeanor, unless provision is otherwise made herein, shall be punishable by a fine of not more than five hundred dollars, or by imprisonment in the City or County jail for a period not exceeding six months, or by both such fine and imprisonment.
- B. As an alternative to the penalty provided in Subsection 2.01.1110.A, violation of or failure to comply with any provision of or condition lawfully imposed under this Act may be deemed to constitute an infraction as provided in Section 17 of the California Penal Code, and penalties for such infractions shall be as set forth in Subdivision 19e of the Penal Code.
- C. Any person who causes any other person to violate any provision of this Act, or who aids and abets any other person in the violation of any provision of this Act, shall be equally subject to the provisions of this Section.

(Ord. C-7283 § 1, 1994; Prop. M, 6-7-94, eff. 6-24-94).

### **2.01.1120 Civil action.**

- A. Any person who violates any provision of this Act shall be liable in a civil action brought by the City Attorney or, in the case of a conflict of interest on the part of the City Attorney, an attorney retained by the City on the City Attorney's recommendation, or by or on behalf of a person residing within the jurisdiction, for an amount not more than three times the amount of the unlawful contribution or expenditure.
- B. If two or more persons are responsible for any violation, they shall be jointly and severally liable.
- C. Any person, before filing a civil action pursuant to this Section, shall first file with the City Attorney a written request for the City Attorney to commence the action. The request shall contain a statement of the grounds for believing the cause of action exists. The City Attorney shall respond within forty days after receipt of the request indicating whether he or she intends to file a civil action. (In the case of a conflict of interest on the part of the City Attorney, independent counsel shall be retained to formulate this response.) If the City Attorney or, when

applicable, independent counsel indicates in the affirmative and files a suit within forty days thereafter, no other action may be brought unless the action brought by the City Attorney or independent counsel is dismissed without prejudice.

D. In determining the amount of liability, the Court may take into account the seriousness of the violation and the degree of culpability of the defendant. If a judgment is entered against the defendant or defendants in an action, the entire amount shall be paid into the campaign reform account of the general fund of the city.

E. No civil action alleging a violation of any provision of this act shall be filed more than four (4) years after the date the violation occurred.

(Ord. C-7283 § 1, 1994; Prop. M, 6-7-1994, eff. 6-24-1994).

### **2.01.1130 Injunctive relief.**

Any person residing in the jurisdiction, including the city attorney, may sue for injunctive relief to enjoin violations or to compel compliance with the provisions of this act.

(Ord. C-7283 § 1, 1994; Prop. M, 6 7 1994, eff. 6 24 1994).

### **2.01.1140 Cost of litigation.**

The court may award to a plaintiff, or a defendant other than an agency, who prevails in any action authorized by this act, his or her costs of litigation, including reasonable attorney fees.

(Ord. C-7283 § 1, 1994; Prop. M, 6 7 1994, eff. 6 24 1994).

### **2.01.1150 Disqualification.**

In addition to any other penalties prescribed by law, if an official receives a contribution violative of section 2.01.310 or 2.01.320, the official shall not be permitted to make, participate in making or in any way attempt to use his or her official position to influence any governmental decision in which the contributor has a financial interest. The provisions of Government Code section 87100 et seq., and the regulations of the fair political practices commission shall apply to interpretations of this section.

(Ord. C-7283 § 1, 1994; Prop. M, 6 7 1994, eff. 6 24 1994).

## **Division XII. Miscellaneous Provisions**

### **2.01.1210 Inflation/deflation.**

A. Any amount subject to a limitation or ceiling, or established pursuant to formula set forth in section 2.01.310 or subsections 2.01.410.A.1 and 2.01.410.A.4 of this act shall be automatically adjusted on January 1, 1996, and on January 1 of each even numbered year thereafter, upward or downward, equivalent to the most recent change in the annual average of the consumer price index as published by the United States department of labor for the Los Angeles-Long Beach-Anaheim metropolitan area.

B. For purposes of calculating the annual inflator/deflator factor under this section, the base year shall be that year ending with the quarter ending June 30, 1995. Rates shall first be adjusted on January 1, 1996, and every two (2) years thereafter, based on the annually calculated change from the base year.

(Ord. C-7283 § 1, 1994; Prop. M, 6 7 1994, eff. 6 24 1994).

### **2.01.1220 Applicability of other laws.**

Nothing in this act shall exempt any person from applicable provisions of any other law.

(Ord. C-7283 § 1, 1994; Prop. M, 6 7 1994, eff. 6 24 1994).

#### **2.01.1230 Severability.**

If any section, subsection, subdivision, sentence, sum, percentage, clause or phrase of this act is for any reason held to be unconstitutional, invalid or void, such decision shall not affect the validity of the remaining portions of this act. The city council hereby declares that it would have passed this act, and every section, subsection, subdivision, sentence, sum, percentage, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, sums, percentages, clauses or phrases thereof is declared unconstitutional, invalid or void.

(Ord. C-7283 § 1, 1994; Prop. M, 6 7 1994, eff. 6 24 1994).

#### **2.01.1240 Amendments.**

A. This chapter may be amended from time to time by ordinance adopted by a two-thirds ( 2/3) vote of the members of the city council upon a finding by the council that such amendment is consistent with and in furtherance of the purposes of this chapter.

B. This chapter may be amended or repealed at any time by an ordinance approved by the electors of the city of Long Beach.

(Ord. C-7283 § 1, 1994; Prop. M, 6 7 1994, eff. 6 24 1994).